UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte FUMITAKE YODO

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Appeal 2007-3875
Application 09/600,509
Technology Center 3600

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Decided: November 29, 2007

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Before: MURRIEL E. CRAWFORD, LINDA E. HORNER, and JOSEPH
A. FISCHETTI, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection
of claims 1, 4, 5, and 7. Claims 2, 3, 6 and 8-12 have been cancelled. We
have jurisdiction under 35 U.S.C. § 6(b) (2002). A hearing was held on
October 25, 2007.

Appellant invented an accounting system which includes an
accounting center and a terminal device for communicating with the
accounting system. The terminal device includes a first and second
controller. The second controller is adapted (1) to transmit accounting point

information to the accounting center and (2) to set the accounting point information to an initial value based on an accounting processing status received by the terminal device from the accounting center (Substitute Specification 56).

Claim 1 under appeal reads as follows:

> 1. An accounting system including an accounting center and a terminal device for communicating with the accounting center, comprising:
> a first memory built in the terminal device and adapted to store accounting point information;
> a second memory included in the terminal device and adapted to store information received from an external source external to the terminal device;
> a first controller included in the terminal device and adapted to update the accounting point information stored in the first memory and to update attributes of the received information when the received information is stored in the second memory,
> wherein when the received information is stored into the second memory the first controller reduces the accounting point information stored in the first memory and updates the attributes of the received information from an unavailable state to an available state; and
> a second controller included in the terminal device and adapted to transmit the remaining accounting point information stored in the first memory to the accounting center and to set the remaining accounting point information to an initial value based on an accounting processing status received by the terminal device from the accounting center corresponding to the remaining accounting point information, wherein the accounting center performs an accounting process based on the remaining accounting point information transmitted from the terminal device.

The Examiner rejected claims 1, 4, 5, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Kupka, Akiyama, and White.

The prior art relied upon by the Examiner in rejecting the claims on

appeal is:

Akiyama	US 5,539,825	Jul. 23, 1996
Peterson	US 5,857,020	Jan. 05, 1999
Kupka	US 6,434,535 B1	Aug. 13, 2002

White, Ron, *How Computers Work* 1-324 (4th Ed., Que Corp., Sep. 18, 1998).

The Examiner relies on Peterson for teaching the invention as claimed except, in the Examiner's view, Peterson does not explicitly describe storing or updating accounting points on a user's card. The Examiner relies on Akiyama, Kupka, and White for supplying the subject matter deemed missing from Peterson.

Appellant contends that Peterson does not disclose a second controller adapted to (1) transmit remaining accounting point information stored in the first memory and (2) set the remaining accounting point information to an initial value based on an accounting processing status received by the terminal device.

ISSUE

The issue is whether the Appellant has shown that the Examiner erred in finding that Peterson discloses a terminal device having a second controller adapted to set the remaining accounting point information to an initial value based on an accounting processing status received by the terminal device.

1   FINDINGS OF FACT

2   Appellant's invention is an accounting system that includes a terminal
3 device having a point memory. The point memory stores accounting points.
4 A specific number of accounting points e.g., 100 points is established as an
5 initial value (Substitute Specification 32, 49). The accounting points are
6 utilized to purchase information from an information distribution center and
7 upon purchase the accounting points stored in the point memory are reduced
8 accordingly (Substitute Specification 50 to 51). The terminal device
9 includes a second controller which is adapted to periodically transmit the
10 remaining accounting point information which is stored in the point memory
11 to a remote accounting center (Substitute Specification 53). The accounting
12 center performs an accounting process based on the accounting points
13 transmitted by the second controller and prepares data for drawing from the
14 bank account of the user sufficient to restore the accounting points to their
15 original value e.g., 100 points (Substitute Specification 56). When the
16 accounting process is complete at the accounting center i.e., when the
17 amount necessary has been withdrawn from the user's bank account, the
18 accounting center sends an OK notification to the second controller. Upon
19 receipt of the OK notification, the second controller sets the accounting
20 points in the point memory to the initial value i.e., 100 points, for example.

21   Peterson discloses, in one embodiment depicted in Figure 1, a
22 terminal device having a controller 32 that is in communication with a
23 remote accounting center 16 via a modem 40. The controller 32 transmits a
24 request to the accounting center 16 for authorization to view media content
25 (col. 8, ll. 4-5). The accounting center 16 determines whether there is a

1 sufficient amount of money in the user's account to purchase the right to
2 view the content. If the accounting center 16 determines that there is a
3 sufficient amount in the user's account to purchase the authorization to view
4 the content, the accounting center 16 sends a message to the controller 32
5 that the request is granted (col. 8, ll. 13-18). Upon receipt of the
6 authorization to view the content, the controller 32 proceeds with a
7 decryption process so that the user can view the content (col. 9, ll. 4-7). In
8 this embodiment, the accounting process and the storage of accounting
9 credits takes place at the accounting center 16.

10   In a second embodiment, Peterson discloses a terminal device which
11 operates with a smart card which stores the amount of funds prepaid by a
12 consumer and a decryption key (col. 9, ll. 45-47). The card reader on the
13 terminal device determines whether the smart card contains enough funds to
14 view a chosen content and if so adds the desired content to an authorization
15 list (col. 9, ll. 59-63). Peterson discloses that funds on the smart card may
16 be adjusted manually by a remote authorization center or through an
17 automatic online process (col. 9, ll. 48-53). Peterson does not disclose a
18 controller in the terminal device which is adapted to set the accounting
19 points to an initial value.

20   Modem 40 of Peterson is not a controller adapted to set the remaining
21 accounting point information to an initial value. Modem 40 is disclosed as
22 associated with the embodiment of Figure 1 in which the accounting funds
23 are stored at the authorization center 16. Modem 40 is a device that
24 transmits information between controller 32 and accounting center 16 but is
25 not capable of calculations necessary to set accounting information to an

initial value in the terminal device. In fact, in the embodiment of Figure 1, there is no accounting point memory in the terminal device. In the embodiment of Figure 3, the accounting point memory is contained on the smart card. Peterson does not disclose that a modem or any other type of device that may be considered a second controller is provided that is capable of setting the points on the smart card to an initial value. The accounting center sets the value of the accounting points on the smart card either through a manual process or in an online process.

<div align="center">ANALYSIS</div>

The Appellant has established that the Examiner erred in finding that Peterson discloses a terminal device having a second controller adapted to set the remaining accounting point information to an initial value. In view of the foregoing, we will not sustain the rejection of the Examiner.

<div align="center">REVERSED</div>

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